

CHAPTER NO. 131

HOUSE BILL NO. 3606

By Representative McDaniel

Substituted for: Senate Bill No. 3519

By Senator Herron

AN ACT repeal Chapter 402 of the Acts of 1901, as amended by Chapter 43 of the Acts of 1905; Chapter 396 of the Acts of 1907; Chapter 427 of the Acts of 1909; Chapter 570 of the Private Acts of 1911; Chapter 691 of the Private Acts of 1933; Chapter 821 of the Private Acts of 1937; Chapter 494 of the Private Acts of 1941; Chapter 290 of the Private Acts of 1949; Chapter 94 of the Private Acts of 1955; Chapter 13 of the Private Acts of 1957; Chapter 6 of the Private Acts of 1959; Chapter 195 of the Private Acts of 1961; Chapter 228 of the Private Acts of 1965; Chapter 267 of the Private Acts of 1967; Chapter 171 of the Private Acts of 1971; Chapter 257 of the Private Acts of 1978; Chapter 64 of the Private Acts of 1987; Chapter 88 of the Private Acts of 1989; Chapter 89 of the Private Acts of 1989; Chapter 106 of the Private Acts of 1989; Chapter 97 of the Private Acts of 1991 and Chapter 194 of the Private Acts of 1996, and all other acts amendatory thereto, and to enact a new charter for the city of Lexington.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 402 of the Acts of 1901, as amended by Chapter 43 of the Acts of 1905, Chapter 396 of the Acts of 1907, Chapter 427 of the Acts of 1909, Chapter 570 of the Private Acts of 1911, Chapter 691 of the Private Acts of 1933, Chapter 821 of the Private Acts of 1937, Chapter 494 of the Private Acts of 1941, Chapter 290 of the Private Acts of 1949, Chapter 94 of the Private Acts of 1955, Chapter 13 of the Private Acts of 1957, Chapter 6 of the Private Acts of 1959, Chapter 195 of the Private Acts of 1961, Chapter 228 of the Private Acts of 1965, Chapter 267 of the Private Acts of 1967, Chapter 171 of the Private Acts of 1971, Chapter 257 of the Private Acts of 1978, Chapter 64 of the Private Acts of 1987, Chapter 88 of the Private Acts of 1989, Chapter 89 of the Private Acts of 1989, Chapter 106 of the Private Acts of 1989, Chapter 97 of the Private Acts of 1991, Chapter 194 of the Private Acts of 1996, and all other acts amendatory thereto, being the charter of the city of Lexington, are hereby repealed except for those provisions regarding the boundaries of the city as provided in Section 3 of this act and the following sections shall become the charter for the city of Lexington.

SECTION 2. As used herein, unless the context otherwise requires:

(1) "Alderman" means a person elected to the board as provided in this charter.

(2) "At large" means the entire city as distinguished from representation by wards or other districts.

(3) "Board" means the legislative body of the city, which shall be composed of the mayor and seven (7) aldermen elected as provided in this charter, and any incumbent aldermen until the expiration of their current terms of office.

(4) "City" means the city of Lexington, Tennessee.

(5) "Elector" means a qualified voter residing within the city of Lexington, Tennessee, or non-residents of the city of Lexington, Tennessee having a taxable freehold interest, and who are qualified voters for members of the general assembly at any location in Tennessee.

(6) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization.

(7) "Ward" means a geographical subdivision of the municipality established for the purpose of securing representation on the board of aldermen.

SECTION 3. The boundaries of the city shall be as provided in Chapter 402 of the Acts of 1901 and all acts amendatory thereto, and in addition shall include annexations made pursuant to general law.

SECTION 4. (a) The city of Lexington in Henderson County shall continue as a body politic and corporate by the name and style of Lexington, Tennessee and this act shall constitute its complete charter. The city of Lexington shall have perpetual successions, may sue and be sued, contract and be contracted with, may have and use a common seal and other such general powers as follows:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality in accordance with the general laws of the state of Tennessee, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits, consistent with the general laws of the state of Tennessee;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of the general laws of the state of Tennessee;

(10) Take and hold property within or without the municipality or state upon trust, and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of services to the municipality, its inhabitants, or any part thereof, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code, Annotated, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public service to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises except where prohibited by law. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe, in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivision (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefore under the provisions of Tennessee Code Annotated, Sections 7-31-107 – 7-31-111 and 29-16-114, or any other manner provided for in the general laws of the state of Tennessee;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the costs of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the costs of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board consistent with applicable general laws of the state of Tennessee;

(18) Acquire, purchase, provide form, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees and other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefore, and provide standards of weights, tests and measures in accordance with applicable general laws of the state of Tennessee;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons who violate laws within the corporate limits of the city or contract with the county to keep these persons in the workhouse of the county;

(28) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction; and, provide by ordinance for court costs;

(29) Establish schools, determine the necessary boards, officers and teachers required therefore, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system with the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, they may be sold, given away to proper home or humanely destroyed;

(31) Call elections as herein provided; and

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

(b)

(1) The Board of Mayor and Aldermen of the city of Lexington are authorized to establish and operate a cable television service within the confines of the city of Lexington, Tennessee, and Henderson County, Tennessee, and to do and perform every act necessary and incidental thereto that is consistent with the general laws of the state of Tennessee.

(2) The Board of Mayor and Aldermen of such city of Lexington are empowered to take and appropriate of such lands and grounds, either within or without the limits of the city of Lexington, as they may deem advisable, for the location and operation of such cable television service.

(3) The entire work, supervision, and control of the purchase, construction, operation, and maintenance of such cable television service shall be vested in the Board of Mayor and Aldermen of the city of Lexington. It shall be lawful for such Board of Mayor and Aldermen to employ such subordinate officers, employees, agents, etc., as may be necessary to transact the business and do the work of constructing and operating such cable television service, and to delegate to such subordinate officers, employees, agents, etc., such authority and power as may be consistent with good business management. Such subordinate officers, employees, agents, etc., shall not have the right or authority to make any contracts binding upon such city of Lexington, unless they are expressly authorized to do so by a resolution duly passed by the Board of Mayor and Aldermen of the city of Lexington. The compensation to be paid to all such subordinate officers, employees, agents, etc., must be fixed by resolution which

authorizes their appointment, and all such salaries or expenses shall be paid out of the funds or revenues herein provided for.

(4) The Board of Mayor and Aldermen of the city of Lexington shall have full power and authority by ordinance to make and enforce all reasonable rules and regulations from time to time for the control and management of such cable television service, and to set rates for the use of the cable television service. The City shall have the right to enter upon the premises where cable television service is used or desired for the purpose of inspecting, repairing, installing, regulating, or terminating the use of such cable television service. The City shall have the right to terminate such service on the account of the nonpayment of rates. The City shall have the full power and authority to collect and enforce collections of all monies due for the use of such cable television service or otherwise arising out of the operation of such system.

(5) The Board of Mayor and Aldermen of the city of Lexington shall have full power and authority to borrow monies or to issue bonds necessary for the construction and operation of such cable television service.

SECTION 5. All the real and personal property and all legal claims, fines and forfeitures belonging to the said city of Lexington, the charter of which property is herein repealed, shall hereafter belong to the city of Lexington hereby created; all legal debts, claims and demands now existing against the city of Lexington, the Charter of which is herein repealed, shall hereafter belong to the city of Lexington hereby created; all legal debts, claims and demands now existing against the city of Lexington, the Charter of which is herein repealed, shall be assumed and paid by the city of Lexington, hereby incorporated, and constitute legal and valid claims against it.

SECTION 6. The legislative powers of the city of Lexington shall be vested in and exercised by a Board of Mayor and Aldermen, elected under the provisions of this act, over whose meetings the Mayor shall preside. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum shall consist of four (4) Aldermen.

The Board of Mayor and Aldermen shall hold regular monthly meetings and hear and take action on ordinances, resolutions and other matters of City business.

The Board of Mayor and Aldermen may appoint, promote, suspend, transfer and remove any officer or employee of the City; or the Board may, in the Board's discretion, authorize the Mayor or head of a department or officer responsible to the Board to take such actions regarding subordinates in such department or office. The Board shall appoint such heads of administrative offices or organizational units, as the Board deems necessary. The Board may combine any such administrative offices herein or otherwise established.

Except as otherwise provided in this charter, the compensation of all officers and employees of the city shall be fixed by the Board within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the Board.

SECTION 7. On the second Thursday in September beginning in 2005 and on each two (2) year anniversary thereof, a nonpartisan election shall be conducted by the Henderson County Election Commission at the same hours and places for holding general elections and under the general election laws of the State of Tennessee at which time a Mayor and seven (7) Aldermen shall be elected.

The Mayor shall be elected by popular vote at large and the seven (7) Aldermen shall be elected one (1) from each ward. The candidate for Mayor receiving the highest number of votes shall be declared to be elected. If two (2) or more candidates for Mayor receive the same number of votes, more than any other candidate, the matter shall be referred to the people and another election for Mayor shall be opened and held in said City as soon thereafter as is practicable.

The candidate for Alderman receiving the highest number of votes in a ward shall be declared to be elected. If two (2) or more candidates for Alderman from the same ward receive the same number of votes, more than any other candidate, then the Mayor and Aldermen elected, between whom there is no tie, shall settle such controversy by a majority vote at their first meeting.

If an area is hereafter annexed, such area shall be assigned to the Alderman ward or wards closest and adjacent thereto. In order to assure that the wards shall be at all times as equal in population as practicable, revisions and changes of boundaries may be made; provided, however, there shall never be more than seven (7) wards as heretofore set forth.

Wards shall be reapportioned every ten (10) years based upon the most recent federal census; provided, however, such wards shall not exceed seven (7) in number. The Board shall have prepared a redistricting ordinance providing for wards which are relatively compact, contiguous, representative of social and community interests, non-discriminatory, and as equal in population as reasonably practicable. The ordinance shall be adopted within one hundred eighty (180) days of the publication of the national census of the State of Tennessee.

SECTION 8. Each candidate must be an elector who has reached the age of twenty-one (21) years prior to the date of the election. Candidates for Mayor shall have resided within the municipality for at least one (1) year next preceding the date of the election. Candidates for Alderman shall have resided within the ward of the position they are seeking for at least one (1) year next preceding the date of the election. One-year residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section. All candidates shall provide proof of eligibility and enter nominating petitions as required by the Henderson County Election Commission. No person shall become a candidate for Mayor or Aldermen who has been convicted in the ten (10) years next preceding the date of the election of malfeasance in office, bribery, or other corrupt practice, a felony, a crime involving moral turpitude, or of violating any of the provisions of 6-20-108 in reference to elections. Any Mayor or Aldermen so convicted shall forfeit such office.

An employee of any division or department of the city of Lexington shall not be qualified to run for an elected office of the city of Lexington.

SECTION 9. The Mayor and Aldermen, before entering upon their duties, shall take an oath that they will support the Constitution of the State of Tennessee and the ordinances of the city of Lexington, and honestly and faithfully discharge the duties of their office without partiality, favor or affection.

The beginning of the term of the Mayor and Aldermen shall be the first Monday in October next after their election and shall end on the first Monday in October following the next election at which time they will relinquish the affairs of the City to the newly elected Board of Mayor and Aldermen. On this first Monday, they shall organize and shall hold their offices as herein provided and until their successors shall have been elected and qualified. Any vacancies occurring either of the Mayor or the Aldermen, whether by death, resignation or otherwise, shall be filled by the remaining members of

the Board. In the event the Mayor should move from the municipality or an Alderman should move from such Alderman's ward during their term of office, their position shall be presumed to have been vacated and it shall be declared vacant and filled by the remaining members of the Board.

The Board shall meet regularly once every month at a time and place prescribed by ordinance. Whenever, in the opinion of the Mayor or three (3) Aldermen, the welfare of the City requires it, the Mayor or the Recorder shall call, and it shall be their respective duties to do so, special meetings of the Board of Mayor and Aldermen upon adequate written or other proper notice to each Aldermen, the Mayor and Recorder, served personally or left at their usual place of residence. Informal meetings of the Board may be held for the purpose of receiving information, exchanging ideas and conducting investigations. The Board shall exercise its powers only in public meetings.

The salary and compensation for the office of Mayor and for Board members shall be set by the Board in the budget ordinance adopted for the year in which the election is to be held and shall take effect with the term of office next after said election and shall remain constant throughout said term. The compensation paid to the Mayor shall not exceed that compensation which is paid to the position of the Henderson County Executive/Mayor and shall not be diminished during the Mayor's term of office.

SECTION 10. The Mayor shall be the Chief Executive Officer of the City and shall have supervision of all City affairs; require such reports from the officers and employees of the City as he may reasonably deem necessary to carry out his or her executive responsibilities; preside at all meetings of the Board, unless absent in which event the Vice-Mayor shall preside; be responsible for the execution of the laws or ordinances of the City and have such other authority and perform such other duties as the Board may from time to time prescribe; execute all contracts as authorized by the Board; communicate information needed and recommend measures to the Board to expedite the business of the City; call special meetings of the Board upon adequate notice to the Board and public; state the matters to be considered at the special meetings and the action of the board shall be limited to those matters submitted; make appointments to boards and commissions as authorized by law; submit the annual budgets of the City to the Board for their adoption by ordinance; and, perform such other duties as may be designated or required by the Board.

The Mayor may suspend an employee for misconduct or dereliction of duty as a means of reprimand. An employee may appeal a suspension to the Board of Mayor and Aldermen and the decision of the Board shall be final.

The office of Mayor shall be a full-time position and the Board may from time to time by ordinance establish certain functions and duties of this office that shall not be inconsistent with this charter.

SECTION 11. The Board of Mayor and Aldermen shall at the regular meeting in October next following the City election elect an Alderman to the office of Vice Mayor, who shall serve as Mayor when the Mayor is absent or unable to discharge the duties of the Mayor's office, and, in case of a vacancy in the office of Mayor, until the position is filled by the members of the Board.

SECTION 12. The Board of Mayor and Aldermen shall at the regular meeting in October next following the City election elect the Mayor or an Alderman to the office of City Judge. The City Judge shall have jurisdiction in and over all cases for the violations of and all cases arising under the laws and ordinances of the municipality and shall fix the penalty for the violation of the same, and shall have and is hereby given all rights, authority, duties, powers and jurisdiction in all criminal offenses committed within the

corporate limits of the city of Lexington and one mile beyond that which the General Sessions Judge of Henderson County, Tennessee, has for the purpose of binding over to the Circuit or Criminal Court of Henderson County individuals charged with crimes. The City Judge shall provide for a docket of all cases handled by his court to be kept with the disposition of each case so noted.

The sole compensation for serving as City Judge shall be a salary fixed by the annual budget ordinance and all fees for actions or ceases in City court shall belong to the City and shall be paid into the City treasury. This compensation shall be in addition to the compensation paid for Mayor or Alderman.

SECTION 13. The Board of Mayor and Aldermen shall appoint a City Recorder to serve as financial agent of the City and custodian of funds, budgets and records. This officer shall work under the immediate direction of the Mayor and Board of Aldermen.

The Recorder or his/her designees shall keep and preserve the City Seal and all official records not required by law or ordinance to be filed elsewhere; attend all meetings of the Board and keep a full and accurate record preserved in permanent form of all business transacted by the Board; administer functions for necessary and proper municipal operations; make such reports of the finances of the City as required and called on by the Mayor and Board; assess and collect all taxes and fees due the City; and, conduct other such duties as required by the Mayor and Board. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office. The Recorder may be removed from office by the Board of Mayor and Aldermen at any time for cause.

SECTION 14. The Board of Mayor and Aldermen shall appoint a Chief of Police to serve as the criminal officer of the City. This officer shall work under the immediate direction of the Mayor and Board of Aldermen.

The Chief of Police or his/her designees shall administer functions for necessary and proper police department operations; arrest all persons violating the criminal laws of the State or ordinances of the City; take them before authorized person by law for trial or examination; and have all the power, authority, duty, and jurisdiction within the corporate limits of the city as to all processes in criminal cases that Sheriffs have and from time to time may have, and this criminal jurisdiction shall extend throughout Henderson County where arrests of persons for violation of the city ordinances of said city within its limits and within one mile of the city limits may be made. This officer must reside within the corporate city limits and shall take an oath to faithfully perform the duties of this office. The Chief of Police may be removed from office by the Board of Mayor and Aldermen at any time for cause.

SECTION 15. Not later than forty-five (45) days prior to the beginning of each fiscal year, the Mayor shall submit to the Board of Mayor and Aldermen a proposed budget for the next fiscal year. The proposed budget shall comply with the Municipal Budget Law of 1982 found in Tennessee Code Annotated, Title 6, Chapter 56, Part 2.

SECTION 16. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto; and, ordinances or resolutions and purchasing procedures approved by the governing body. The purchasing agent, or designated representative, as provided by ordinance, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body.

SECTION 17. In accordance with Tennessee Code Annotated, Section 49-2-201, the public school system of the City shall be administered by a Board of Education

consisting of seven (7) members, elected by popular vote at large by position. In order to continue compliance with staggered terms of office in accordance with Tennessee Code Annotated, Section 49-2-201(a)(1), Positions 1, 2, 5, and 6 will be elected in the City election of 2005 and each and every four (4) years thereafter; Positions 3, 4, and 7 will be elected in the City election of 2007 and each and every four (4) years thereafter.

The candidate receiving the highest number of votes for a particular position shall be declared to be elected. If two (2) or more candidates for a particular position receive the same number of votes, more than any other candidate, then the Board of Mayor and Aldermen elected shall settle such controversy by a majority vote at their first meeting.

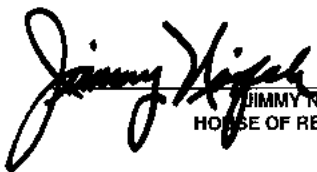
Each candidate for the Board of Education must be an elector who has reached the age of 21 years prior to the date of the election and have resided within the municipality for at least one (1) year next preceding the date of the election. One-year residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section. All candidates shall provide proof of eligibility and enter nominating petitions as required by the Henderson County Election Commission and general law. No person shall become a candidate for the Board of Education who has been convicted in the ten (10) years next preceding the date of the election of malfeasance in office, bribery, or other corrupt practice, a felony, a crime involving moral turpitude, or of violating any of the provisions of 6-20-108 in reference to elections. Any member of the Board of Education may be removed from office in accordance with the general law provisions governing ouster of a publicly elected official. To the extent that Chapter 241 of the Private Acts of 1917, as amended by Chapter 138 of the Private Acts of 1973, and any other acts amendatory thereto, in regard to the Board of Education, are in conflict with the provisions of this act, the provisions of the act shall prevail.


SECTION 18. An ordinance shall be considered and adopted on two (2) separate days; any other form of Board action shall be considered and adopted on one (1) day. Any form of Board action shall be passed by a majority of the members present, if there is a quorum. All ayes and nays on all votes on all forms of Board action shall be recorded.

SECTION 19. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Lexington. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Lexington and certified to the secretary of state.

SECTION 20. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 19.

PASSED: May 19, 2004


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2004



PHIL BREDEKEN, GOVERNOR